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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,945	02/10/2004	Alexander B. Beaman	P1913-C2/522C-2	4257

7590 08/11/2004

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EXAMINER

CHUNG, DANIEL J

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/776,945

Applicant(s)

BEAMAN ET AL.

Examiner

Daniel J Chung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2-10-2004</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Drawings

The drawings are not objected to by the Examiner.

Specification

Please review the application and correct all informalities.

Information Disclosure Statement

Receipt is acknowledged of Applicant's Information Disclosure Statement of 2-10-2004, which has been placed in the application file and considered by the Examiner.

Information Disclosure Statement

The IDS filed 2-10-2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. Specifically, all U.S. patents have been considered, but copies of the other documents (Erfert Fenton) have apparently not been provided, and thus the information referred to therein have not been considered. Applicant must provide copies of these documents if there are to be considered as to the merits.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Ballard (6,288,726)

Regarding claim 1, Ballard discloses that the claimed feature of a system for glyph construction comprising: a graphics system [i.e. "output device"; 200]; a glyph server ["layout services library"; 208] means coupled to the graphics system [200]; and an operating system ["operating system"; 204] coupled to the glyph server [208]. (See Fig 2, Fig 4, col 3 line 12-61)

Regarding claim 2, Ballard discloses that a line layout core unit receiving glyph codes [i.e. "glyph information"] from the graphics system and determining glyph data descriptions [i.e. "glyph position"]. (See Fig 2, col 1 line 48-51, col 2 line 28-31, col 3 line 25-27, col 3 line 51-col 4 line 11)

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Regarding claim 3, Ballard discloses that a glyph cache unit coupled to the line layout core unit for receiving the glyph data descriptions and determining if glyph data is in the glyph cache unit. (See Fig 2, col 1 line 33-34, col 1 line 48-51, col 2 line 28-31, col 3 line 25-27, col 3 line 51-col 4 line 11)

Regarding claim 4, Ballard discloses that an open font architecture services unit coupled to the glyph cache unit for permitting support of multiple font file formats. (See Abstract line 1-5, col 3 line 27-30)

Regarding claim 5, Ballard discloses that one scalar unit coupled to the open font architecture unit for receiving requests from the open font architecture unit and interpreting font data within a font file. (See Abstract line 1-4, col 11 line 10-14, col 3 line 17-30)

Regarding claim 6, Ballard discloses that a font object management unit coupled to the at least one font scalar and handling requests for the font data. (See Abstract line 1-4, col 2 line 28-31, col 3 line 17-30)

Regarding claim 7, Ballard discloses that an attribute group support unit coupled to and supporting a data structure for communication among the line layout core unit, the glyph cache unit, the open font architecture services unit, the font scalar unit, and the font object management unit. (See Fig 2, Abstract line 1-4, col 3 line 17-30)

Regarding claim 8, claim 8 is similar in scope to the claims 2-7, and thus the rejections to claims 2-7 hereinabove are also applicable to claim 8.

Regarding claim 9, Ballard discloses that the line layout core unit processes a layout of the glyph codes to produce a glyph record array ["layout service library"]. (See col 3 line 62-col 4 line 11)

Regarding claim 10, Ballard discloses that the line layout core unit processes the layout for positional and non-positional adjustments. (See col 3 line 62-col 4 line 11, step 304 in Fig 3, Fig 5)

Regarding claim 11, Ballard discloses that the glyph cache unit provides metrics and rendering s to update the glyph code array. (See col 1 line 42-47)

Regarding claim 12, Ballard discloses that the open font architecture services unit updates the glyph code array with pointers to the glyph renderings. (See Abstract line 16-22, col 3 line 51-61)

Regarding claim 13, Ballard discloses that the claimed feature of a method for processing a line of text in a graphics system running on a computer system and displaying typographic glyphs on a display device of the computer system, the method

comprising: mapping the input text into glyph codes [300]; forming an initial glyph record array, the initial glyph record array comprising a plurality of glyph records for the glyph codes [302]; processing a layout of the glyph codes to produce an updated glyph record array [304-308]; rendering the updated glyph record array to produce a final glyph record array; and rendering a display of the typographic glyph output from the final glyph record array [310]. (See Fig 3, Fig 2, col 3 line 21-61)

Regarding claim 14, Ballard discloses that performing non-positional and positional adjustments to the glyph codes. (See col 3 line 62-col 4 line 11, step 304 in Fig 3, Fig 5)

Regarding claim 15, Ballard discloses that the non-positional adjustments comprise determining reorderings, ligatures, insertions, rearrangements, and non-contextureal and contextural substitutions. (See col 6 line 45-col 7 line 26)

Regarding claim 16, Ballard discloses that the positional adjustments comprise determining adjustments due to tracking, justification, kerning, baselines, optical edges, and hanging punctuation. (See col 6 line 45-col 7 line 26)

Regarding claim 17, Ballard discloses that glyph data in an order for display and with positioning adjustments for advance widths of the glyph data. (See Abstract line 16-22, col 2 line 8-17, col 3 line 55-61, col 5 line 1-8)

Regarding claim 18, Ballard discloses that obtaining advance widths of the glyph data, and obtaining pointers for glyph renderings. (See Abstract line 16-22, col 3 line 51-61)

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-8 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 of U.S. Patent No. 6,714,199. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims of patent No. 6,714,199 contains substantially every element of claims 1-8 of the instant application, and "a graphics system" and "operating system" of the presented application is necessarily required elements for typographic glyph construction, as described in patent No. 6,714,199, in order to perform/render the glyph

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construction, therefore it would have been obvious to include such limitation in the instant application.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Chung whose telephone number is (703) 306-3419. He can normally be reached Monday-Thursday and alternate Fridays from 7:30am- 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael, Razavi, can be reached at (703) 305-4713.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306 (Central fax)

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

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djc
August 3, 2004

Jeffery A. Brinn
JEFFERY BRINN
PRIMARY EXAMINER